

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PSs – Revenue Department - Sri Shaik Madhar Sheb, the then Chief Executive Officer, A.P. State Wakf Board, Hyderabad.- Departmental Proceedings under Rule-20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 – Articles of charges - Issued.

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MINORITIES WELFARE (V&C) DEPARTMENT

G.O.Rt.No. 40

Dated:17- 02-2010.

Read:

Lr.No:M1/6/Prot/R.R/2005, dated:21-08-2009 from C.E.O.,
A.P.S. Wakf Board, Hyderabad.

ORDER:

It is proposed to hold an enquiry against Sri Shaik Madhar Sheb, the then Chief Executive Officer, A.P. State Wakf Board, Hyderabad in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A list of documents by which, and a list of witnesses by whom, the articles of charges proposed to be sustained are also enclosed (Annexure-II to III).

3. The above said Sri Shaik Madhar Sheb, the then Chief Executive Officer, A.P. State Wakf Board, Hyderabad is directed to submit within 10 days from the date of receipt of this order, a written statement of his defence and also to state whether he desires to be heard in person.

4. The above said Sri Shaik Madhar Sheb, the then Chief Executive Officer, A.P. State Wakf Board, Hyderabad is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. The above said Sri Shaik Madhar Sheb, the then Chief Executive Officer, A.P. State Wakf Board, Hyderabad.is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above further action will be processed based on the material available.

6. Attention of Sri Shaik Madhar Sheb, the then Chief Executive Officer, A.P. State Wakf Board, Hyderabad is invited to Rule 24 of the Andhra Pradesh Civil Services (conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings it will be presumed that above said Sri Shaik Madhar Sheb, the then Chief Executive Officer, A.P. State Wakf Board, Hyderabad is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

.....P.T.O...

7. The receipt of the G.O. may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

LINGARAJ PANIGRAHI
PRL. SECRETARY TO GOVERNMENT

To

Sri Shaik Madhar Sheb, the then Chief Executive Officer, A.P. State Wakf Board, Hyderabad through the Chief Commissioner of Land Acquisition, Hyderabad. (two copies. With a request to serve the copy to the individual and furnish the served copy)

Copy to:

The Ex-Officio Secretary to Government and Commissioner of Civil Supplies, Hyderabad.

The Chief Executive Officer, A.P. State Wakf Board, Hyderabad.
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE – I

Statement of articles of charge framed against Sri Shaik Madhar Sheb, the then Chief Executive Officer, A.P. State Wakf Board, Hyderabad.

Article of Charge: That the said Sri Shaik Madhar Sheb, while functioning as Chief Executive Officer, A.P. State Wakf Board, Hyderabad, during his period of officiation, had misused his powers in the official capacities as Chief Executive Officer and damaging the wakf lands worth hundreds of crores of rupees, which cannot be compensated by any means.

Basis of the Charge:

It is submitted that the lands in Survey Nos 231,242,252,256,258 to 269, 280, 281, 450, 451, 457 to 459, 463, 469, 486, 487 and 581 admeasuring to an extent of Ac.428-01 Gts of Maheshwaram (V & M), Ranga Reddy district belongs to Wakf. The said lands were endowed (Wakf) by one Sri Syed Jamluddin for the maintenance of Muslim Maternity Hospital situated at Chaderghat, Hyderabad which is being run by the Jamat-e-Islami Social Service through a Wakf Deed dated:26-01-1971 and got it registered with the Wakf Board in Kitab-ul-Wakf and a Muntahkab was also issued by the Wakf Board.

The Jamat-e-Islami Social Service without the sanction of the Wakf board and contrary to Law sold an extent of Ac. 12-16 Gts., from the above said survey nos., and have failed to furnish the particulars of the amounts realized there of to the Wakf Board. As a matter of fact the Jamat-e-Islami social service society is only a manger/Caretaker of the said wakf property and as such they are not empowered to sell the wakf property in question.

The said illegal sale transaction was raised by one Legislator before the House Committee for Minorities Welfare, wherein the Government instructed the Wakf Board to call for explanation from the Jamat-e-Islami Social Service Society. In addition to that the Principal Secretary to Government, Minority Welfare Department has also written D.O. Letters to the I.G. Registration & Stamps and the District Collector, Ranga Reddy for not entertaining any registration/Mutations of the said wakf property on 28-11-2006.

In-spite of the instructions and the D.O. Letters from the Government the then C.E.O., Sri Shaik Madhar Saheb intentionally and knowingly has not taken any action against the culprits who sold away the lands for their own personal benefits and delayed to issue the Show Cause notice which is evident from the date of notice i.e., on 25-01-2009 and allowed the sale of the said wakf land. The Jamat-e-Islami Social Service Society submitted their reply to the Show Cause notice issued by the Wakf Board only after one long year i.e., 15-03-2008. But the then C.E.O., have failed to take any action against the persons responsible for the illegal sale for more than one year and even failed to remind the said society. The Jamat-e-Islami Social Service Society in their explanation has set up a false defence by stating that the property in question is not a Wakf Property and misleded the authorities and requested to withdraw the show cause notice.

The Wakf Board sought for a Legal Opinion from its Senior Standing Counsel Sri S.M. Subhani, who has given an opinion against the Wakf by stating that the person who have registered the Wakf nama was a third person and it is not known, on whose request the Wakf Board has issued the Munthakab and also stated that no citations have been published before issuing the Munthakab.

The then Special Officer, Wakf Board Sri M.A. Quddus has sought the opinion of Law Officer of Wakf Board on the advise of the Standing Counsle. The Law Officer of Wakf Board has given a clear picture of Wakf and specially the

wakf property in question and concluded that the said property cannot be deleted from Kitab-ul-Wakf as it is a registered wakf for a purpose which comes under the purview of Wakf.

In spite of the Legal opinion of the Law Officer, the then C.E.O., Sri Shaik Madhar Saheb foregoing the legal opinion intentionally recommended for taking a decision on the endorsement of the Special Officer Sri M.A. Quddus, who was inclined to delete the said property from Kitab-ul-Wakf and withdraw the show cause notice issued by the Wakf Board knowingly it's a registered wakf property in the same office.

Finally, the Special Officer, Sri M.A. Quddus concluded by stating that the said property may be deleted by giving a citation and then delete the same from the Kitab-ul-Wakf and decided to withdraw the "Show Cause Notice" issued to the Jamat-e-Islami Social Service Society.

As per the orders passed by the C.E.O., Sri Shaik Madhar Saheb, the show cause notice so issued to the said society was withdrawn through Lr.No:M1/6/Prot/R.R/2005, dated:09-05-2008 and the Sub-Registrar was also specifically informed on the same date by stating that the show cause notice so issued by the Wakf Board have been withdrawn and further stated that the Sub-registrar, Maheshwaram may take necessary action in the said matter as deemed fit.

The Jamat-e-Islami Social Service Society" has sold away the entire extent of Ac.428-01 Gts., in favour of various individuals and even got them registered with the Sub-Registrar, Maheshwaram. It is also learnt that the concerned revenue records have also been changed from "Muslim Maternity Hospital" to various individuals by way of "Mutations".

From the above facts it is very much evident that the "ill-motive" and "Criminal conspiracy" behind the entire case is to delete the subject Wakf Property from Kitab-ul-Wakf" and declare it as "non wakf" for personal gains and the Officer concerned having full knowledge of the entire case knowingly/Intentionally misused their powers in the official capacities of Chief Executive Officer and withdrawn the show cause notice which is nothing but admitting that the property in question is not a wakf property. The action taken by the said officer amounts to violation of the provisions of "Wakf Act 1995" and to damage the wakf.

LINGARAJ PANIGRAHI
PRL. SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE – II

List of documents by which the articles of charge framed against Sri Shaik Madhar Saheb, the then Chief Executive Officer, A.P. State Wakf Board, Hyderabad are proposed to be sustained.

1. Chief Executive Officer, A.P. State Wakf Board report No:MI/6/Prot/R.R/2005, dated:21-08-2009.
2. Copy of the wakf nama, dated:26-01-1971 executed by Sri Syed Jamaluddin, Wakif.
3. Copy of the Muntakhab issued by the Wakf Board.
4. Copy of the Show Cause notice issued by the Wakf Board, dated:25-01-2007.
5. Copy of the Reply given to the show cause notice given by the Jamat-e-Islami Social Service Society.
6. Copy of the Legal opinion given by the Senior Standing Counsel for wakf board.
7. Copy of the withdrawl letter addressed to the Secretary, Jamat-e-Islami Social Service Society.
8. Copy of the su-moto letter addressed to the Sub-registrar, Maheswaram by the Wakf Board.
9. Copy of the entire note-file.

ANNEXURE – III

List of witnesses by whom the articles of charge framed against Sri Shaik Madhar Saheb, the then Chief Executive Officer, A.P. State Wakf Board, Hyderabad are proposed to be sustained.

1. Sri B.S. Farroq Ahmed, Chief Executive Officer, A.P. State Wakf Board, Hyderabad.

LINGARAJ PANIGRAHI
PRL. SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER